

HOUSE BILL No. 1337

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-33.

Synopsis: IURC authority to impose civil penalties. Allows the Indiana utility regulatory commission (IURC) to review certain aspects of a public utility's operations and to impose a civil penalty of not more than \$50,000 per offense if the IURC finds that the public utility: (1) has repeatedly violated a law, IURC orders, or an agreement between the IURC and the public utility; or (2) has severe deficiencies that the public utility has failed to remedy. Provides that the IURC may impose only the civil penalties allowed under current law for violations of slamming and cramming laws by telecommunications providers.

Effective: July 1, 2001.

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January 9, 2001, read first time and referred to Committee on Commerce, Economic Development and Technology.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1337

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-1-33 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]:

4 **Chapter 33. Authority of Commission to Impose Civil Penalties**

5 **Sec. 1. The definitions in IC 8-1-2-1 apply throughout this**
6 **chapter.**

7 **Sec. 2. (a) The commission may review any of the following or**
8 **any combination of the following aspects of a public utility's**
9 **operations:**

10 (1) **Technical, financial, and managerial capacity.**

11 (2) **Physical condition and capacity of the public utility's plant**
12 **or equipment.**

13 (3) **Compliance with Indiana or federal law or the**
14 **commission's orders.**

15 (4) **Provision of service to customers.**

16 (b) **The commission may conduct a review under this section**
17 **upon:**

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- (1) the commission's own motion;
- (2) a request of the office of utility consumer counselor; or
- (3) a complaint filed by a customer of the public utility.

The commission's order for review must state facts to justify a review by the commission.

Sec. 3. After a review conducted under section 2 of this chapter, the commission may impose a civil penalty under section 4 of this chapter if the commission finds either of the following:

- (1) That the public utility has repeatedly violated:
 - (A) a law regulating the public utility after the commission has ordered compliance;
 - (B) commission orders; or
 - (C) an agreement between the commission and the public utility.

- (2) That the public utility has severe deficiencies that the public utility has failed to remedy.

Sec. 4. (a) If the commission makes a finding under section 3 of this chapter, the commission may, after notice and hearing, impose a civil penalty against the public utility of not more than fifty thousand dollars (\$50,000) for each offense.

(b) The secretary of the commission shall deposit civil penalties collected under subsection (a) in the state general fund.

(c) Except as provided in subsection (d), the authority granted to the commission under this section is in addition to, and not a substitution for, the powers granted to the commission under any other statute.

(d) If, after a review conducted under section 2 of this chapter, the commission determines that a public utility has violated:

- (1) IC 8-1-29-5; or
- (2) rules adopted under IC 8-1-29-6;

the commission may impose only the civil penalties allowed under IC 8-1-29-7.5.

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